<center>**REMARKS**</center>

The Office Action mailed May 27, 2008 has been received and carefully noted. Claims 1-22 are currently pending in the subject application and are presently under consideration.

Claims 1, 7, 11, 14, 18, and 22 have been amended herein. Support for the amendments can be found in at least paragraphs 0013, 0016, Figure 1, and the Abstract. Thus, the amendments are fully supported by the Specification. A listing of claims can be found on pages 2-6 of this Response.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

I.   **Rejection of Claims 7, 18, and 22 Under 35 U.S.C. § 112, first paragraph**

Claims 7, 18, and 22 stand rejected under 35 U.S.C. § 112, first paragraph. The language at issue has been removed. Thus, withdrawal of these rejections is respectfully requested.

II.   **Rejection of Claims 1-9, 11, 12, 14-16, 18-20 and 22 Under 35 U.S.C. § 102(e)**

Claims 1-9, 11, 12, 14-16, 18-20, and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Burroughs *et al.* (U.S. 7,111,158). It is requested that this rejection be withdrawn for at least the following reason. Burroughs *et al.* does not describe each and every element of the claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting*

Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). Amended independent claims 1 and 7 recite "in response to the first signal, the second device transmitting a second signal transmitted to the host prior to transmission of a third signal from the first device to the host in a handshake initialization sequence, the second device to consecutively transmit the second signal and the third signal to the host" (emphasis added) or analogous aspects. Amended independent claims 11 and 14 recite "the host receiving a COMWAKE originating from the switch prior to receiving a COMINIT from the device in a handshake initialization sequence, the switch to consecutively transmit the COMWAKE and the COMINIT to the host" (emphasis added) or analogous aspects. Amended independent claim 18 recites "receiving a second signal and a third signal consecutively before transmitting the second signal in a handshake initialization sequence" (emphasis added). Amended independent claim 22 recites "a fail over switch to consecutively transmit an out of band signal and a standard handshake signal to the host controller during the handshake initialization sequence after the host controller initiates the handshake initialization sequence and before the host controller transmits a subsequent signal to the serial ATA device" (emphasis added).

Burroughs *et al.* does not describe the claims as currently amended. In the Background, Burroughs *et al.* describes a Serial ATA startup sequence between a host and a device as follows. First, the host transmits a COMRESET signal to the device. Next, the device receives the COMRESET signal and transmits a COMINIT signal to the host. Then, the host receives the COMINIT signal and transmits a COMWAKE signal to the device. The device receives the COMWAKE signal and transmits another COMWAKE signal to the host (*See* Burroughs *et al.*, col. 1, ll. 28-42). Burroughs *et al.* also discloses a manner of transitioning control of a Serial ATA device among multiple hosts **without** having to reinitialize the Serial ATA device or the hosts (*See* col. 3, ll. 2-4, ll. 41-44). Control is transferred from host to host through the use of sleep and wake commands (*See* Burroughs *et al.*, col., 3. ll. 63-66, col. 8, ll. 27-32). When the serial ATA device is in sleep mode, control of the device can switch from one host to another (*See*

Burroughs *et al.*, col., 3, line 66 – col., 4, line 2). When the serial ATA device is in normal mode, the device can exchange data with the connected host (*See* Burroughs *et al.*, col. 4, ll. 2-6). However, it is respectfully noted that Burroughs *et al.*'s manner of transitioning control of a Serial ATA device among multiple hosts does not involve the handshake initialization sequence described in the Background.

Burroughs *et al.* does not disclose any deviation from a standard handshake initialization sequence. The amended independent claims recite that a switch transmits two consecutive signals to a host after receiving the first signal from the host (initializing the handshake initialization sequence). For example, after the host sends a COMRESET to begin the handshake initialization sequence, the device typically responds to the COMRESET with a COMINIT, then the host typically responds to the COMINIT with a COMWAKE. Instead, the s**witch** transmits a COMWAKE to the host **prior to** transmitting the COMINIT from the device to the host. Therefore, the switch consecutively transmits the COMWAKE and the COMINIT to the host (*See e.g.*, independent claims 11 and 14). Burroughs *et al.* fails to describe this aspect. In Burroughs *et al.*, a host would not receive two consecutive signals in a handshake initialization sequence. Rather, the host and the device each receive and transmit signals to each other in an alternating manner (*See* Burroughs *et al.*, col. 1, ll. 28-42). Therefore, Burroughs *et al.* does not describe each and every element of the amended independent claims.

Claims 1-9, 11, 12, 14-16, 18-20, and 22 each depends from one of the above independent claims, thus incorporating the respective limitations thereof. For at least the aforementioned reasons regarding the amended independent claims, Burroughs *et al.* does not describe each and every element of the dependent claims. Accordingly, it is respectfully requested that these rejections be withdrawn.

III. **Rejection of Claims 10, 13, 17, and 21 Under 35 U.S.C. § 103(a)**

Claims 10, 13, 17, and 21 stand rejected under 35 U.S.C. § 103(a) as obvious over

Burroughs *et al.*, in view of Grieff *et al.* (U.S. 6,948,036). It is requested that this rejection be withdrawn for at least the following reason. To establish a *prima facie* case of obviousness, the Examiner must show that the cited references, combined, teach or suggest each of the elements of the claims. In particular, claims 10, 13, 17, and 21 depend from independent claims 7, 11, 14, and 18, respectively, and thus incorporate the respective limitations thereof. The Examiner has not relied upon and the Applicants do not discern any part of Grieff *et al.* that cures the aforementioned deficiencies of Burroughs *et al.* regarding independent claims 7, 11, 14, and 18. For at least the above reasons regarding independent claims 7, 11, 14, and 18, Burroughs *et al.* and Grieff *et al.*, alone or in combination, fail to teach or suggest each element of claims 10, 13, 17, and 21. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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